

1 EMPLOYMENT LAWYERS GROUP

Karl Gerber (SBN 166003)

2 Ann Guleser (SBN 210790)

13418 Ventura Boulevard

3 Sherman Oaks, California 91423

Telephone: (818) 783-7300

4 Facsimile: (818) 995-7159

Email: aguleser@emplaw.net

5 Attorneys for Plaintiff

6 BALWINDER SINGH

7 OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

8 JOHNNIE A. JAMES, CA Bar No. 144091

johnnie.james@ogletree.com

9 MINH P. NGO, CA Bar No. 302230

minh.ngo@ogletree.com

10 400 South Hope Street, Suite 1200

Los Angeles, California 90071

11 Telephone: 213-239-9800

Facsimile: 213-239-9045

12 Attorneys for Defendant

13 IKEA DISTRIBUTION SERVICES, INC.

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16  
17 BALWINDER SINGH, an individual

18 Plaintiff,

19 v.

20 IKEA DISTRIBUTION SERVICES, INC.;  
and DOES 1 through 100 inclusive,

21 Defendants.  
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Case No. 1:20-cv-00975-NONE-JLT

**JOINT STIPULATION OF DISMISSAL  
WITH PREJUDICE OF PLAINTIFF'S  
THIRD CAUSE OF ACTION FOR  
INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS; [PROPOSED]  
ORDER**

(Doc. 23)

**STIPULATION**

Plaintiff Balwinder Singh (“Plaintiff”) and defendant IKEA Distribution Services, Inc. (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of record submit the Joint Stipulation Of Dismissal With Prejudice Of Plaintiff’s Third Cause Of Action For Intentional Infliction Of Emotional Distress, hereby stipulate and agree as follows:

**WHEREAS**, on May 12, 2021, Magistrate Judge Jennifer L. Thurston issued her Findings and Recommendations Granting Defendant’s Motion to Dismiss, recommending that Plaintiff be given leave to file a First Amended Complaint. (Doc. No. 20.)

**WHEREAS**, on June 11, 2021, Plaintiff filed his First Amended Complaint (“FAC”) amending his claim for intentional infliction of emotional distress, the Third Cause of Action in Plaintiff’s FAC. (Doc. No. 21.)

**WHEREAS**, on June 15, 2021, the Court issued the Order Adopting in Full the Findings and Recommendations Granting Defendant’s Motion to Dismiss (the “Order”), ordering that Plaintiff’s FAC, which was prematurely docketed on June 11, 2021, be deemed filed as of the date of entry of the Order and that Defendant’s response be due 21 days after the date of entry of the Order. (Doc. No. 22.)

**WHEREAS**, on June 22, 2021, Defendant notified Plaintiff that it intended to seek dismissal of the Third Cause of Action of Plaintiff’s FAC for intentional infliction of emotional distress because the FAC fails to plead sufficient facts on which relief may be granted.

**WHEREAS**, following the Parties’ meet and confer, on June 28, 2021, counsel for Plaintiff notified Defendant that Plaintiff agreed to dismiss the Third Cause of Action of Plaintiff’s FAC for intentional infliction of emotional distress.

**THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the Parties as follows:

Plaintiff and Defendant, by and through their counsel, stipulate and agree that the Third Cause of Action of Plaintiff’s FAC for intentional infliction of emotional distress be dismissed with prejudice.

1                   **IT IS SO STIPULATED.**

2                   Respectfully submitted,

3                   DATED: June 28, 2021

                    EMPLOYMENT LAWYERS GROUP

5                   By: /s/ Ann Guleser (as authorized on 6/28/2021)

6                               Karl Gerber, Esq.

7                               Ann Guleser, Esq.

8                   Attorneys for Plaintiff

9                   BALWINDER SINGH

10  
11                  DATED: June 29, 2021

                    OGLETREE, DEAKINS, NASH, SMOAK &  
                    STEWART, P.C.

13  
14                  By: /s/ Minh P. Ngo

15                               Johnnie A. James

16                               Minh P. Ngo

17                  Attorneys for Defendant

18                  IKEA DISTRIBUTION SERVICES, INC.

**[PROPOSED] ORDER**

The parties have stipulated to dismiss the third cause of action with prejudice. (Doc. 23)  
Accordingly, the Court accepts the stipulation and DIRECTS the Clerk of Court to close this action  
as to the third cause of action.

IT IS SO ORDERED.

Dated: **June 29, 2021**

**/s/ Jennifer L. Thurston**  
CHIEF UNITED STATES MAGISTRATE JUDGE